

THE HONORABLE MARSHA J. PECHMAN

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

MARIJA PAUNOVIC and DUSAN
PAUNOVIC, individually and on behalf of all
others similarly situated,

Plaintiffs,

v.

OBI SEAFOODS LLC, an Alaska corporation,
and OCEAN BEAUTY SEAFOODS LLC, an
Alaska corporation,

Defendants.

NO. 2:21-cv-00884-MJP

**PLAINTIFFS' SUPPLEMENTAL
MOTION FOR FINAL APPROVAL
OF CLASS ACTION
SETTLEMENT AND
ATTORNEYS' FEES AND COSTS**

NOTED FOR CONSIDERATION:
DECEMBER 3, 2024

I. INTRODUCTION

On September 6, 2024, Plaintiffs Marija Paunovic and Dusan Paunovic filed their motion for final approval of the class action settlement and attorneys' fees and costs in this matter. ECF No. 240. In that motion, they informed the Court that they would file a supplemental motion for final approval updating the Court on the final number of opt-outs and objections no later than October 28, twenty-one days after the deadline for class members to file requests to opt-out or object to the proposed settlement. *Id.* at 16.

Plaintiffs now file this supplemental motion to inform the Court that no Class Members opted out of the settlement or objected to it. The reaction of the Class to the proposed settlement

has been positive. Accordingly, Plaintiffs respectfully ask the Court to grant their motion for final approval of the class action settlement and attorneys' fees and costs, ECF No. 240.

II. BACKGROUND

On September 9, one business day after Plaintiffs filed their motion for final approval and attorneys' fees and costs, settlement administrator Simpluris posted the motion, along with the declarations of Class Counsel Toby J. Marshall and Tamara Kenworthey and Simpluris Senior Project Manager Markus Bulthuis. *See* Supplemental Declaration of Toby J. Marshall (Marshall Suppl. Decl.) ¶ 2.

Out of 2,330 notice packets sent to Class Members via First Class Mail, 456 were ultimately undeliverable, representing an 80.4 percent success rate by mail. Supplemental Declaration of Markus Bulthuis (Bulthuis Suppl. Decl.) ¶ 5. Simpluris also sent notice via email to 971 Class Members, with 964 (or 99.3 percent) successfully reaching their destination. *Id.* ¶ 6. Moreover, 223 of the Class Members who could not be given notice by First Class Mail were successfully given notice by email. *Id.* This means that out of 2,476 Class Members identified by Defendants, 2,097 (or 84.7 percent) successfully received notice by mail or email. *Id.* ¶ 7.

As of October 7, the deadline for Class Members to opt out or object, the settlement website had been visited by 309 unique visitors with 2,251 page views. *Id.* ¶ 8. Of these, 113 unique visitors and 509 page views occurred after September 9 when Plaintiffs' motion for final approval and attorney's fees and costs—along with Class Counsel's declarations regarding their fees and costs—were available for Class Members to review on the website. *Id.* Simpluris received electronic payment information through the settlement website from fifty-five Class Members who elected to receive their settlement award electronically. *Id.* ¶ 9.

Simpluris has not received any requests from Class Members to opt-out of the settlement, and it has received no objections. *Id.* ¶¶ 10-11.

III. ARGUMENT

The notice program was successful, reaching 84.7 percent of Class Members by mail or email. Those Class Members were adequately informed of their rights and options, the settlement

1 website received hundreds of unique visitors and thousands of page views, and fifty-five Class
 2 Members took advantage of the option to receive their payment electronically. After the forty-
 3 seven-day notice period—twenty-eight of which had Class Counsel’s request for attorneys’ fees
 4 and costs posted on the settlement website—no Class Members have opted out of the proposed
 5 settlement, and no Class Members objected.

6 Such a positive response to the proposed settlement demonstrates that the relief obtained
 7 for Settlement Class Members is fair, reasonable, and adequate. *See Fossett v. Brady Corp.*, 2021
 8 WL 2273723, at *9 (C.D. Cal. Mar. 23, 2021) (“[T]he absence of a large number of objections to
 9 the proposed class action settlement raises a strong presumption that the terms . . . are favorable
 10 to the class members.”) (quoting *Nat’l Rural Telecomms. Coop. v. DIRECTV, Inc.*, 221 F.R.D.
 11 523, 529 (C.D. Cal. 2004)); *see also Baker v. SeaWorld Ent., Inc.*, 2020 WL 4260712, at *8
 12 (S.D. Cal. July 24, 2020) (absence of many objectors supports settlement as fair, reasonable, and
 13 adequate); *In re Austrian & German Bank Holocaust Litig.*, 80 F. Supp. 2d 164, 175 (S.D.N.Y.
 14 2000) (“If only a small number of objections are received, that fact can be viewed as indicative
 15 of the adequacy of the settlement.”) (citations omitted); *Morgan v. Childtime Childcare, Inc.*,
 16 2020 WL 218515, at *2 (C.D. Cal. Jan. 6, 2020) (“Lack of objection speaks volumes for a
 17 positive class reaction to the settlement. The Court thus finds the settlement is fair, reasonable,
 18 and adequate.”).

19 IV. CONCLUSION

20 For the foregoing reasons, and those in their motion for final approval, ECF No. 240,
 21 Plaintiffs respectfully ask the Court to grant their motion and enter an order: (1) approving the
 22 Settlement Agreement as fair, reasonable, and adequate; (2) determining that adequate notice
 23 was provided to Class Members; (3) granting Class Counsel \$630,000 in attorneys’ fees and up
 24 to \$100,000 in costs; (4) approving the requested service payments to Plaintiffs of \$10,000 each;
 25 (5) approving settlement administration costs of up to \$32,000; and (6) dismissing this action
 26 with prejudice.

1 RESPECTFULLY SUBMITTED AND DATED this 28th day of October, 2024.

2 TERRELL MARSHALL LAW GROUP PLLC

3 *I certify that this memorandum contains 809 words*
4 *in compliance with the Local Civil Rules.*

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